



*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 13, 2020

VIA ECF AND EMAIL

The Honorable Lewis J. Liman
United States District Court
Southern District of New York
New York, New York 10007

RE: *United States v. Robert Russo*, 16 Cr. 441 (LJL)

Dear Judge Liman:

The Government respectfully writes in response to the Court's April 3, 2020 order directing the Government to obtain information from the Bureau of Prisons regarding when the BOP will resolve the defendant's request for compassionate release (Dkt. No. 54). As of the time of the filing of this letter, the Government has been unable to obtain that information from the BOP.

The Government further writes regarding the order of release proposed by the defendant (Dkt. No. 57). Should the Court conclude that it has the authority to act now (though for the reasons previously stated, the Government does not believe the Court has the authority to act sooner than April 26, 2020, thirty days after the defendant's request to BOP), the Government has no objections to the language in the order proposed by the defendant. By way of background, the Government has spoken with the Probation Office and has been advised that some halfway houses (or Residential Re-Entry Centers ("RRCs")) are continuing to accept new residents and Probation has been able to place individuals into them. However, placement into an RRC can take several weeks while the RRC processes the case and ensures there are no separatee issues. The Government opposes any release that is not directly into an RRC as it would put the defendant and public at risk, but the parties believe the language of the proposed order will avoid this result by allowing up to fourteen days before the defendant's release while the placement is secured.¹

Respectfully submitted,

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cc: Robert Baum, Esq.

¹ Although the parties believe the proposed language will be adequate, should BOP advise that it is unable to hold the defendant for up to 14 days after an order of time-served while the RRC placement is being secured, the Government respectfully requests that the release order be modified to include language that BOP agrees will allow that result.